



JANUARY 9 - 13, 2006 ST. LOUIS, MISSOURI

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

**Roger L. Wollman - Sioux Falls, SD
Morris S. Arnold - Little Rock, AR
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO**

Circuit Judges Who Have Taken Senior Status

**Donald P. Lay - St. Paul, MN
Gerald W. Heaney - Duluth, MN
Myron H. Bright - Fargo, ND
Theodore McMillian - St. Louis, MO
John R. Gibson - Kansas City, MO
George G. Fagg - Des Moines, IA
Pasco M. Bowman - Kansas City, MO
Frank J. Magill - Fargo, ND
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA**

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10th Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28, and Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans
Clerk of Court

The following visiting judge will sit with the Court in January:

*The Honorable Andrew W. Bogue
Senior U.S. District Judge
Rapid City, South Dakota

www.ca8.uscourts.gov

Revised: 1/6/06

DIVISION I
28th Floor
En Banc Courtroom

MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, HANSEN, MELLOY

			CMD
1.	04-3669 NE	United States v. Erroll Flynn Shepard	
	04-3693 NE	United States v. Tony Skannell, etc.	
	05-1024 NE	United States v. Barry Renfold Cooley	
	05-1827 NE	United States v. Roy G. Straughan, etc.	45
2.	05-1666 WM	United States v. Paul David Anderson	15
	05-2631 EA	United States v. Brian Atteberry	NO ARG
3.	04-4104 WM	Carle Baker, Jr., etc. v. Burlington Northern and Santa Fe Railway Company, et al.	
	04-4124 WM	Linus L. Baker, et al. v. Burlington Northern and Santa Fe Railway Company, et al.	
	04-4150WM	The Baker Group, L.C., v. Burlington Northern and Santa Fe Railway Company, et al.	20
	05-2638 EA	United States v. Linda Ray Gardner	NO ARG
	05-2181 EA	United States v. Tamika Wade	NO ARG
	04-2865 EM	United States v. Jon R. White	NO ARG
	05-2278 WM	United States v. Norman Dale Unverzagt	NO ARG

** AFTERNOON SESSION **

2:00 P.M. BEFORE JUDGES LOKEN, WOLLMAN, RILEY

05-2070 SD	United States v. Mike Chase	15
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DIVISION I
28th Floor

En Banc Courtroom

**** EN BANC SESSION ****

TUESDAY, JANUARY 10, 2006, BEGINNING AT 10:00 A.M.
BEFORE JUDGES LOKEN, WOLLMAN, BEAM, ARNOLD, MURPHY,
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON

		SRD
04-2254	SD United States v. Gabriel Parra Lopez	30

WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, MCMILLIAN, MELLOY

		LLB
1.	04-3485 EA Frank Williams, Jr. v. Larry Norris, etc.	20
2.	04-4184 EM Gerald M. Dunne v. Peter E. Libbra	15
3.	05-2214 NI United States v. Lynn Marie Lazenby	10
4.	05-2216 NI United States v. Christine Marie Goodwin	15
5.	05-1765 EM T. F., et al. v. Special School District of St. Louis County, et al.	15

**** AFTERNOON SESSION ****

2:00 P.M. BEFORE JUDGES MELLOY, HANSEN, COLLOTON

03-2963	SD United States v. Sonny Ray Escarsega, etc.	15
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DIVISION I
28th Floor
En Banc Courtroom

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, MCMILLIAN, MELLOY

DGH

1.	05-1263 NI	United States v. Alan Lee Ault	15
2.	05-2256 NI	United States v. Paul Peter Swehla	10
3.	05-2220 WM	Stephen Jeffery v. The Kansas City Southern Railway Company	
	05-2429WM	Stephen Jeffery v. The Kansas City Southern Railway Company	20
4.	04-2967 EA	Stephanie Wells Cotton, etc. v. Commodore Express, Inc., et al.	
	04-3024 EA	Joyce Ann Dunn, etc. v. Old Republic Insurance Company	
	04-3074 EA	Darrell Vaughn, etc. v. Old Republic Insurance Company	NO ARG
5.	05-1964 WM	Rhonda K. Peterson v. Transystems Corporation	15

**FRIDAY, JANUARY 13, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, MCMILLIAN, MELLOY**

			DMS
1.	04-2894	Alga Ogbay Woldemichael, et al. v. John Ashcroft, etc.	15
2.	05-2183 SD	Stanley Little White Man, Jr., etc. v. United States	NO ARG
3.	05-2152	Abraham Brima Bah v. Alberto Gonzales, etc.	15
	05-1594 EM	Benjamin Neal Moots v. George Lombardi, et al.	NO ARG
4.	05-1808	Abubakarr Fofanah v. Alberto Gonzales, etc.	NO ARG

**DIVISION II
27th Floor
Southeast Courtroom**

**MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, GIBSON, ARNOLD**

1.	04-3868 EM	Martin Link v. Al Luebbers	30
2.	05-1626 EA	Steve Warnock v. Charles Archer, etc., et al.	
	05-1713EA	Steve Warnock v. Charles Archer, etc., et al.	15
3.	05-2350 EM	United States v. Don Rodney Bledsoe, etc.	10
4.	05-2465 SI	Tammy Powell, etc. v. Yellow Book USA, etc., et al.	20
	05-2525 WM	Craig Trussell v. Michael Bowersox	NO ARG
	05-1450 NI	United States v. Douglas Jose Cardenas, etc.	NO ARG
	05-2074 SI	United States v. Calvin Eugene Yakle	NO ARG
	04-3053 NE	United States v. Pedro Salgado Campos	NO ARG

**** AFTERNOON SESSION ****

2:00 P.M. BEFORE JUDGES MURPHY, HEANEY, MELLOY

05-1206 EM	Nathaniel Richmond, et al. v. Nicholas G. Higgins, etc.	15
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3:00 P.M. BEFORE JUDGES MELLOY, COLLOTON, GRUENDER

04-2771	Theresa E. Bartman, etc., et al. v. Commissioner of Internal Revenue Service	20
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**DIVISION II
27th Floor
Southeast Courtroom**

**TUESDAY, JANUARY 10, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES SMITH, MCMILLIAN, BENTON**

WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, GIBSON, ARNOLD

			ABC/DMH-P
1.	05-1972 MN	Janice S. Hope v. Mirek Klabal, etc., et al.	REMOVED
2.	05-2480 NI	United States v. Donald K. Washburn	15
3.	05-2483 SI	United States v. Jack Leroy Goody	10
4.	05-2914 SI	United States v. Tommy Lee Poe	NO ARG
5.	05-3004 NI	United States v. Pamela J. Walker	10

DIVISION II
27th Floor
Southeast Courtroom

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, LAY, ARNOLD

			BWB
1.	05-2106 NI	Sac & Fox Tribe of the Mississippi in Iowa, etc. v. Bureau of Indian Affairs, et al.	15
2.	05-1453 WM	Timothy Johnson v. Martha Hamilton, et al.	15
3.	05-3071 SI	United States v. Bryan Lee Simpson	NO ARG
4.	05-2008 WM	Sidney James, etc. v. Alysha Friend, et al.	20

	05-2147 EM	Estate of Kathryn M. Buder, etc., et al. v. United States	15
4.	05-2581 MN	United States v. Nancy Lee Kraft	NO ARG
5.	05-2466 EM	Jefferson Smurfit Corporation, etc. v. United States	15
	05-1177 WM	United States v. Nancy E. Queen, etc.	NO ARG
	05-2362 NE	United States v. Andree Artis	NO ARG
	04-3974 EM	United States v. Timothy D. Still	NO ARG

THERE WILL BE NO ARGUMENTS ON TUESDAY IN DIVISION III.

**DIVISION III
27th Floor
Northeast Courtroom**

**WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, HANSEN, SMITH**

			JMH
1.	05-2064 WM	K.C. 1986 Limited Partnership, et al. v. U.S. Borax, Inc.	
	05-2068 WM	U.S. Borax, Inc. v. DeAngelo Brothers, Inc.	20
2.	05-2297 SI	Denise R. Hite v. Vermeer Manufacturing Company, et al.	20
3.	05-2321 SI	Ace Property and Casualty Insurance Company, etc., et al. v. Federal Crop Insurance Corporation, etc., et al.	20
4.	05-2367 SD	United States v. John H. Sitting Bear	
	05-2368 SD	United States v. Melinda L. Marshall	15
5.	05-2115 SD	United States v. Naomi B. Hawkman	15

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES SMITH, HANSEN, *BOGUE

			YML
1.	05-2560 NI	United States v. Raul Padilla Morales, etc.	15
2.	05-2452 NE	Bonnie McCaslin v. Jo Anne B. Barnhart, etc.	15
3.	05-3073 NE	United States v. DeWayne Green, etc.	15
4.	05-2873 NI	Starla K. Tindell v. Jo Anne B. Barnhart, etc.	15
5.	05-3094 NE	United States v. Duane Levering	10

DIVISION III
27th Floor
Northeast Courtroom

FRIDAY, JANUARY 13, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES SMITH, HANSEN, *BOGUE

			JPP
1.	05-1582 EM	Terrick Alfred Williams v. United States	15
2.	05-2754 WM	Missouri Public Entity Risk Management Fund v. Investors Insurance Company of America	20
3.	05-2060 WM	Lavada A. Box v. Anthony J. Principi, etc., et al	NO ARG
4.	05-3348 WA	United States v. Joshua Lee Philpott	NO ARG
5.	05-2940 EM	United States v. Harry Meyer Katz	15

DIVISION IV
27th Floor
Southwest Courtroom

MONDAY, JANUARY 9, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, HEANEY, COLLOTON

PAW

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| 1. | 05-1292WM | United States v. Michael J. Timley | |
| | 05-1275WM | United States v. Michael J. Timley, et al. | |
| | 05-1819WM | United States v. Michael J. Timley | REMOVED |
| 2. | 05-1224EM | United States v. Diallo Davidson | 15 |
| 3. | 05-1739EM | Steven A. Menz, et al. v. New Holland
North America, Inc., et al. | 15 |
| 4. | 05-1895SD | Pearl Cottier, et al. v. City of Martin, et al. | 20 |
| | 05-2268EM | United States v. Larry Edward Stead | NO ARG |
| | 05-1100WM | United States v. Golden Longwell | NO ARG |
| | 05-1416EM | United States v. Ezekiel Simpson | NO ARG |

THERE WILL BE NO ARGUMENTS ON TUESDAY IN DIVISION IV.

DIVISION IV
27th Floor
Southwest Courtroom

WEDNESDAY, JANUARY 11, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, COLLOTON, *BOGUE

KAS

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|----|---------------------------|--|---------|
| | 05-2122WM | Matthew Headley Holdings, etc. v.
McCleary, Inc., et al. | |
| | 05-2123WM | Matthew Headley Holdings, etc. v.
McCleary, Inc., et al. | REMOVED |
| 1. | 04-3626 | In re: Accessair, Inc., Debtor
Anita L. Shodeen v. Airline Software, Inc. | NO ARG |

2.	05-2211 MN	John D. Craig v. The Pillsbury Non-Qualified Pension Plan, et al.	15
3.	05-2647 EM	United States v. Anthony C. Littrell	15
4.	05-2416 EM	United States v. Corey D. Lyons	15

DIVISION IV
27th Floor
Southwest Courtroom

THURSDAY, JANUARY 12, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, HEANEY, COLLOTON

TAB

1.	05-1069	The Minnesota Public Utilities Commission, et al. v. Federal Communications Commission, et al.	
	05-1122	National Association of State Utility Consumer Advocates, et al. v. Federal Communications Commission, et al.	
	05-3114	Public Utilities Commission of Ohio, et al. v. Federal Communications Commission, et al.	
	05-3118	People of the State of New York, et al. v. Federal Communications Commission, et al.	30
2.	05-1981 EA	Lindy Bostic, etc., et al. v. Larry Goodnight, et al.	15
3.	05-2665 MN	Sarah Pacht, etc., et al. v. Alice Seagren, etc., et al.	20
4.	05-2793 WM	Blue Moon Entertainment, etc. v. City of Bates City, Missouri, etc., et al.	20
5.	05-1855 EM	Kenneth S. Rotskoff, et al. v. George Tannous	15

DIVISION IV
27th Floor
Southwest Courtroom

FRIDAY, JANUARY 13, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES BYE, HEANEY, COLLOTON

			LMT
	04-4022 EA	Delores Butcher v. DaimlerChrysler Corporation	REMOVED
1.	05-2943 NE	The Colonial Press, Inc. v. Cothran Printing Equipment, Inc., et al.	15
2.	05-2774 WM	David Hughes v. Roger D. Stottlemire, etc., et al.	15
3.	05-1285 WM	Curtis Murphy v. City of Springfield, Missouri	15
4.	05-2735 SD	United States v. Alexander Vasquez-Garcia	10
5.	05-2124 NE	United States v. Rommel Smith, etc.	
	05-2126NE	United States v. Rommel Smith, etc.	REMOVED